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9
10 Attorneys for Plaintiff
Federal Trade Commission

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **San Francisco Division**

14 FEDERAL TRADE COMMISSION,

15 Plaintiff,

16 v.

17 INC21.com CORPORATION, et al.,

18 Defendants.

19 KERRY KRISHER, LIQUIDATING
TRUSTEE, IN RE: OLD T.B.R.,
INCORPORATED,

20 Garnishee.

21 Case No. CV 10-00022

22 **WRIT OF CONTINUING**
23 **GARNISHMENT**

24 TO: Kerry Krisher
25 *Liquidating Trustee of*
26 *Old T.B.R., Incorporated, f/k/a The Billing Resource, dba Integretel*
27 GlassRatner Advisory & Capital Group LLC
28 19800 MacArthur Blvd
 Suite 820
 Irvine, CA 92612

22 **YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF THE**
23 **UNITED STATES OF AMERICA PROPERTY IN YOUR CUSTODY, CONTROL, OR**

1 **POSSESSION IN WHICH THE DEFENDANT-JUDGMENT DEBTOR HAS A
2 SUBSTANTIAL NONEXEMPT INTEREST.**

3 The name, last known address of the person who is the defendant-judgment debtor
4 ("defendant") in this action and whose property is subject to this Writ are as follows:

5 Inc21.com Corporation
6 785 Market Street
7 Suite 900
8 San Francisco, California 94103

9 This Writ has been issued at the request of the Federal Trade Commission to enforce the
10 collection of a judgment entered in its favor against the defendant for a debt in the original
11 amount of \$37,970,929.57. There is a balance due of approximately \$33,097,999.18, through
12 July 27, 2012.

13 The following are the steps that you must take to comply with this Writ. If you have any
14 questions, you should consult with your attorney.

15 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control, or
16 possession any property of the debtor, including any banking accounts, in which the debtor has a
17 substantial nonexempt interest, or if you obtain custody, control, or possession of such property
18 while this Writ is in effect, you must immediately withhold such property from the debtor and
19 retain it in your possession until you receive instructions from the Court which will tell you what
20 to do with the property.

21 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ within 10
22 days after service of this Writ upon you. You must answer the Writ even if you do not have in
23 your custody, control, or possession any property of the debtor. Pursuant to 28 U.S.C. §
24 3205(c)(4), your answer must state, under oath, the following information:

- 25 a. whether or not you have in your custody, control, or possession, any property
26 owned by the debtor in which the debtor has a substantial nonexempt interest,
27 including nonexempt disposable earnings;
28 b. a description of such property and the value of such property;
29 c. a description of any previous garnishments to which such property is subject

- 1 and the extent to which any remaining property is not exempt; and
2 d. the amount of the debt you anticipate owing to the debtor in the future and
3 whether the period for payment will be weekly or another specified period.

4 For your convenience, a form which addresses the above-requested information is attached and
5 may be used to answer the Writ.

6 3. After you complete the answer under oath, pursuant to 28 U.S.C. § 3205(c)(2)(E) and
7 (c)(4), within ten (10) days after service of this Writ upon you, you must mail or deliver the
8 original answer bearing the original signature of the person preparing the answer to the Court at
9 the following address:

10 Clerk, United States District Court
11 450 Golden Gate Avenue, 16th Floor
12 P.O. Box 36060
13 San Francisco, CA 94102

14 At the same time you mail or deliver the original answer to the Court, you must also mail or
15 deliver a copy of the original answer to both the debtor and attorney for the Federal Trade
16 Commission at the following respective addresses:

17 Douglas V. Wolfe
18 Attorney, Federal Trade Commission
19 600 Pennsylvania Ave., N.W.
20 Suite M-8102 B
21 Washington, DC 20580

22 Wayne R. Gross
23 Attorney for Inc21.com Corporation
24 Greenberg Traurig, LLP
25 3161 Michelson Drive
26 Suite 1000
27 Irvine, CA 92612

28 Joel R. Dichter
29 Attorney for Inc21.com Corporation
30 Dichter Law, LLC
31 488 Madison Avenue
32 10th Floor
33 New York, NY 10022.

34 Please note that the attached form answer contains a certificate of service which needs to be
35 completed by the person mailing the copies of the answer to the debtor and the attorney for the
36 United States, and which needs to be filed with the Court along with the answer.

1 **IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY**
2 **IN ACCORDANCE WITH THIS WRIT, THE FEDERAL TRADE COMMISSION MAY**
3 **PETITION THE COURT FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE**
4 **THE COURT TO ANSWER THE WRIT AND TO WITHHOLD PROPERTY IN**
5 **ACCORDANCE WITH THE WRIT BEFORE THE APPEARANCE DATE. IF YOU**
6 **FAIL TO APPEAR OR DO APPEAR AND FAIL TO SHOW GOOD CAUSE WHY YOU**
7 **FAILED TO COMPLY WITH THIS WRIT, THE COURT WILL ENTER A JUDGMENT**
8 **AGAINST YOU FOR THE VALUE OF THE DEBTOR'S NONEXEMPT INTEREST IN**
9 **SUCH PROPERTY (INCLUDING NONEXEMPT DISPOSABLE EARNINGS). THE**
10 **COURT MAY ALSO AWARD A REASONABLE ATTORNEY'S FEE TO THE**
11 **FEDERAL TRADE COMMISSION AND AGAINST YOU IF THE WRIT IS NOT**
12 **ANSWERED WITHIN THE TIME SPECIFIED HEREIN AND IF THE FEDERAL**
13 **TRADE COMMISSION FILES A PETITION REQUIRING YOU TO APPEAR.**

14
15 Dated: 9-5-12

16 By: _____
17 Deputy Clerk

18 RICHARD W. WIEKING,
19 Clerk of the United States
20 District Court for the Northern
21 District of California
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____

DOUG MERRY